IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1952 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/12/2003 in WP NO : 15454 OF 2003 on the file of the High Court.)

Between:

1 Katikarla Parvathalu, S/o. Chandraiah,
R/o. Dindi Village & Mandal, Nalgonda District.

2 Katikarla Mallaiah, S/o. Jangaiah,
R/o. Dindi Village & Mandal, Nalgonda District.

3 Katikarla Lingaiah, S/o. Ramachandra
R/o. Dindi Village & Mandal, Nalgonda District.

4 Katrikarla Lingaiah, S/o. Venkataiah,
R/o. Dindi Village & Mandal, Nalgonda District.

5 Katikarla Naraiah, S/o. Ramachandram
R/o. Dindi Village & Mandal, Nalgonda District.

..... APPELLANTS

AND

1. The District Collector, Nalgonda, Nalgonda District.

2 The Mandal Development Officer, Dindi Mandal,

Nalgonda District.

3 The M.R.O., Dindi Mandal, Nalgonda District.

4 The Secretary, Agrl., Market Committee, Dindi Mandal,

Nalgonda District.

5 The Sarpanch, Grampanchayath, Dindi Village & Mandal,

Nalgonda District.

.....RESPONDENTS

For the Appellants: MR. VENUGOPALA RAO PASNOORU, Advocate.
For Respondent Nos.1 to 3: GP FOR REVENUE
For Respondent No. 4: Mr. N. Ramachandra Rao, Standing Counsel.
For Respondent No. 5: Mr. P. Raghavender Reddy, Standing Counsel.

The Court at the admission stagemade the following Judgment: (per Sri B. Sudershan Reddy, J)

The order passed by the learned single Judge does not suffer from any infirmity requiring our interference in exercise of our letters patent jurisdiction. It is so well settled and needs no restatement at our hands that disputed questions of title in respect of immovable properties cannot be effectively adjudicated in a summary proceeding under Article 226 of the Constitution of India. Here is a case where there is any amount of dispute between the parties about the very title of the land in question. Precisely, for that reason, the learned single Judge left the remedies of the appellants herein open for getting the same adjudicated in a properly constituted proceeding. The view taken by the learned single Judge does not suffer from any infirmity.

However, it is needless to observe that if the appellants avail any such remedy, the same may have to be considered and disposed of uninfluenced by the observations, if any, made in the order passed by the learned single Judge and as well as the observations made in this judgment.

The Writ Appeal is accordingly dismissed.

(B. Sudershan Reddy, J)

13-12-2004

(C.V. Ramulu, J)

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To

1. The District Collector, Nalgonda, Nalgonda District.

2 The Mandal Development Officer, Dindi Mandal, Nalgonda District.

3 The M.R.O., Dindi Mandal, Nalgonda District.

4 The Secretary, Agrl., Market Committee, Dindi Mandal, Nalgonda District.

5 The Sarpanch, Grampanchayath, Dindi Village & Mandal, Nalgonda District.